

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

DAVID VANN,

Plaintiff,

-against-

CITY OF ROCHESTER, et al.,

Defendants.

**FIFTH AMENDED  
SCHEDULING ORDER**

**INDEX NO.: 18-cv-6464 (EAW)(MJP)**

**ORDER**

AND NOW, this 31st day of January 2023, upon consideration of Plaintiff's motion pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure for an order modifying the scheduling order, it is hereby ordered that:

1. The deadline for the close of Fact Discovery is extended from December 2, 2022 to May 2, 2023.

2. Plaintiff shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by July 31, 2023. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by August 31, 2023. Parties shall complete all discovery relating to experts, including depositions, by September 29, 2023.

3. Dispositive motions, if any, shall be filed no later than October 31, 2023.

4. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after

determination of dispositive motions. If no dispositive motions are filed, counsel shall immediately contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the

deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

**IT IS SO ORDERED.**

A handwritten signature in blue ink, reading "Mark W. Pedersen", is written over a horizontal line.

Hon. Mark W. Pedersen  
United States Magistrate Judge

Dated: January 31, 2023  
Rochester, New York